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112-10-1. Reserved.

112-10-2. Assistant animal health officers.

(a) Each assistant animal health officer employed by the commission shall be licensed to practice veterinary medicine in the state of Kansas.

(b) No assistant animal health officer shall treat or prescribe medication for any horse located at a racetrack facility or registered to race at a racetrack facility except in an emergency. Each assistant animal health officer who treats or prescribes medication for a horse in an emergency shall immediately file a complete report of the circumstances and veterinary procedure with the stewards and the animal health officer.

(c) No owner or trainer shall employ or pay any compensation to an assistant animal health officer, directly or indirectly, while the assistant animal health officer is employed by the commission.

(d) The duties of each assistant animal health officer shall consist of the following:

(1) Supervising practicing veterinarians at the racetrack facility and recommending to the stewards or the commission the discipline to be imposed upon each practicing veterinarian who violates commission regulations;

(2) determining whether each horse is sound to race and, if the horse is unsound, placing any horse on the veterinarian's list and removing any horse from the veterinarian's list when, at the assistant animal health officer's discretion, the placement or removal is proper. Each horse shall remain on the veterinarian's list a minimum of four days. No horse shall be allowed to race before its name is removed from the veterinarian's list;

(3) establishing a procedure for and supervising the collection of urine, blood, or other specimens from horses, as designated by the assistant animal health officer, the stewards, or commission and maintain identification records for the specimens as required by the commission;

(4) supervising the procedure for witnessing, sealing, and delivering each test specimen to the official test laboratory;

(5) reporting immediately to the animal health officer the name and tattoo number of each horse at a racetrack facility that dies or is humanely destroyed and the reason for the death;

(6) being at the racing secretary's or stewards' office to report to the racing secretary or stewards on the assistant animal health officer's inspection of horses and each horse's condition before scratch time on each race day at the time designated by the stewards;

(7) with the permission of the stewards, scratching a horse at any time before the horse enters the starting gate;

(8) directing a horse to be isolated or declaring the horse ineligible to race if it has symptoms of chronic unsoundness. If a horse is declared ineligible to race, the assistant animal health officer shall report this fact to the stewards, who shall write a formal ruling against the horse and write the reason for the ruling on the horse's registration papers;

(9) accompanying and observing each field of horses from the time the horses enter the paddock to be saddled for the race until they are dispatched from the starting gate;

(10) inspecting horses in the paddock after the finish of each race;

(11) in an emergency, treating or humanely destroying any horse that is so seriously injured that the assistant animal health officer believes the action is necessary. Each horse owner, if present, and trainer at the racetrack facility shall consent to the assistant animal health officer's humane destruction of a seriously injured horse; and

(12) performing other duties prescribed by the animal health officer, the stewards or the commission. (Authorized by K.S.A. 2001 Supp. 74-8804; implementing K.S.A. 2001 Supp. 74-8806, 74-8810; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10,

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1992; amended Feb. 15, 1993; amended Jan. 31, 2003.)

112-10-3. Practicing veterinarians. (a)(1)

Each practicing veterinarian at a racetrack facility shall possess a current unrestricted license to practice veterinary medicine in the state of Kansas and shall secure an occupation license in accordance with the racing act and commission regulations. One condition of possessing an occupation license shall be the practicing veterinarian's compliance with the regulations of the Kansas board of veterinary medical examiners.

(2) Before an occupation license is issued, each practicing veterinarian shall meet with the animal health officer to verify that the practicing veterinarian has reviewed these racing regulations and is informed about existing medication practice. Each practicing veterinarian, the animal health officer, and each assistant animal health officer shall be the only individuals who may administer veterinary treatment, medicine, or medication to any horse at the racetrack facility or to any horse registered to race at the racetrack facility. Recognized feed supplements, oral tonics, and substances approved by the animal health officer shall not be subject to this regulation.

(b) Each practicing veterinarian at a racetrack facility who treats a horse for any contagious or communicable disease shall report the fact immediately in writing to the animal health officer or assistant animal health officers on a form approved by the animal health officer.

(c) Each practicing veterinarian who treats a horse at a racetrack facility shall record the treatment in a log that has been approved by the animal health officer. Each practicing veterinarian shall deliver the log by 10:00 a.m. of the day after the treatment to the assistant animal health officers' office at the racetrack facility. Each log shall be the practicing veterinarian's commission report.

(d) Each practicing veterinarian at a racetrack facility also shall maintain a treatment

record on each horse that the practicing veterinarian treats during a race meeting. The records shall be compiled in a form similar to the treatment record ordinarily maintained by the practicing veterinarian in private practice. Each practicing veterinarian shall promptly surrender the treatment records to the commission upon its request. Information to be recorded in the treatment record shall include the following:

- (1) Name and location of the horse treated;
- (2) name of the trainer;
- (3) nature of the condition treated or probable diagnosis;
- (4) nature of the treatment and medication administered; and
- (5) date and hour of treatment.

(e) No veterinarian shall deliver to another individual at a racetrack facility a syringe or injectable medication except upon written authorization of the animal health officer or assistant animal health officer.

(f) No practicing veterinarian who treats a horse at a racetrack facility shall wager on the outcome of any race in which the treated horse starts.

(g) Each drug and medication at a racetrack facility shall be in a container bearing a veterinarian's prescription or in the original container bearing the manufacturer's label with the serial or lot number. Each practicing veterinarian shall use only disposable syringes and needles to medicate horses. No veterinarian shall leave unattended a drug or medication or any equipment for administering the drug or medication. All equipment for administering the drug or medication shall be destroyed before it is discarded. All drugs, medication, and equipment shall be disposed of in a manner that is environmentally safe.

(h) The use of extracorporeal shock wave therapy (ESWT) shall be limited to practicing veterinarians and shall be subject to the following additional restrictions:

- (1) Only practicing veterinarians may possess ESWT instruments and machines at the racetrack facility.

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(2) Each ESWT treatment shall be recorded by the practicing veterinarian on a treatment log form approved by the animal health officer and in the format described in subsections (c) and (d) above.

(3) No horse receiving ESWT shall be allowed to race unless both of the following conditions are met:

(A) At least 10 calendar days have passed since the horse last received ESWT.

(B) The animal health officer or assistant animal health officer has examined the horse and approves it to race. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8810 and 74-8816; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993; amended Nov. 16, 2001; amended Feb. 6, 2004.)

112-10-4. Drugs or medication. (a) No individual shall administer any drug or medication to any horse entered in a race before the race in which the horse is to run and continuing until after the race is run except as authorized in these racing regulations.

(b) If the official test laboratory reports a positive test for any drug, its metabolites or any substance foreign to the natural horse, the animal health officer shall classify the test in accordance with the following classifications:

(1) class one: drugs which have the highest potential for affecting performance and which have no generally accepted use in the racing horse. These include, but are not limited to:

(A) opiates, opium derivatives, synthetic opiates and psychoactive drugs which are classified by Pub. L. No. 91-513 as in effect August 1, 1992, as schedule I or schedule II drugs only;

(B) amphetamines and amphetamine-like drugs which are classified by Pub. L. No. 91-513 as in effect August 1, 1992, as schedule I and schedule II drugs only. They do not include drugs which are listed in schedule II and some additional lower schedule III, IV and V;

(C) miscellaneous agents including but not limited to apomorphine, nikethamide, mazindol, pemoline and pentylene tetrazol; and

(D) substances which are not naturally occurring and have no recognized therapeutic value and which impede testing procedures.

(2) class two: drugs which have less potential to affect performance and which are not generally accepted as therapeutic agents in racing horses, except that therapeutic agents that have a high abuse potential are included. Drugs in this class include, but are not limited to: opiates which are classified by Pub. L. No. 91-513 as in effect August 1, 1992, from schedules III, IV and V, catecholamines, psychotropic drugs, central nervous system and cardiovascular stimulants and depressants and muscle blocking agents. Local anesthetics, because of high potential for use as nerve blocking agents, are included in this class.

(3) class three: drugs which are classified by Pub. L. No. 91-513 as in effect August 1, 1992, found in schedules III, IV and V, and non-scheduled drugs which may or may not have generally accepted use in the racing horse, but the pharmacology or use patterns of which include lower scheduled or non-scheduled opiate, bronchodilators and other drugs with primary effects on the autonomic nervous system, procaine from procaine penicillin, antihistamines with mild sedative properties, the high ceiling diuretics and anabolic steroids are included in this group.

(4) class four: therapeutic medications which would be expected to have less chance of affecting performance than drugs in class three. These include, but are not limited to, corticosteroids, mineralcorticoids, non-steroidal antiinflammatory drugs, including phenylbutazone and oxyphenbutazone at plasma concentrations exceeding .5 micrograms per milliliter or less if detected in a horse that is not permitted such medication or is not identified as having been treated with such medication, less potent diuretics, antihistamines without prominent central nervous system depressant effects, skeletal muscle relaxants, expectorants and mucolytics, hemostatics, cardiac glycosides and antiarrhythmics, topical anesthetics, antidiarrheals, hemorrheologics,

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anticonvulsants, non-opiates drugs with a mild analgesic effect and drugs affecting the autonomic nervous system which do not have prominent central nervous system, cardiovascular or respiratory effects and naturally occurring substances that appear in unusual levels or that may interfere with or impede testing procedures.

(5) class five: category of therapeutic medications for which levels have been established by regulation. Also included in this class are miscellaneous agents such as dimethylsulfoxide and other medications as determined by the commission and any recurring substance that may have an undetermined effect or that cannot be identified by recognized analytical methods.

(c) The animal health officer's classification of the positive test shall be reported to the stewards and executive director.

(d) The finding of a class one positive shall result in a penalty of:

(1) a disqualification of the animal and a redistribution of the purse;

(2) a return of any trophy or other award delivered to the owner or owners;

(3) a fine of up to \$5,000;

(4) a revocation or a suspension of a license for a period of up to five years; or

(5) a combination of the above.

(e) The finding of a class two positive shall result in a penalty of:

(1) a disqualification of the animal and redistribution of the purse;

(2) a return of any trophy or other award delivered to the owner or owners;

(3) a fine of up to \$2,500;

(4) a suspension of up to one year; or

(5) a combination of the above.

(f) The finding of a class three positive shall result in a penalty of:

(1) a disqualification of the animal and redistribution of the purse;

(2) a return of any trophy or other award delivered to the owner or owners;

(3) a fine of up to \$1,500;

(4) a suspension of up to six months; or

(5) any combination of the above.

(g) The finding of a class four positive shall result in a penalty of:

(1) a disqualification of the animal and redistribution of the purse;

(2) a return of any trophy or other award delivered to the owner or owners;

(3) a fine of up to \$1,000;

(4) a suspension of up to 60 days; or

(5) any combination of the above.

(h) The finding of a class five positive may result in a penalty of:

(1) a disqualification of the animal and redistribution of the purse;

(2) a return of any trophy or other award delivered to the owner or owners;

(3) a suspension of up to 15 days;

(4) a fine of up to \$500;

(5) a warning; or

(6) any combination of the above.

(Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; implementing K.S.A. 1991 Supp. 74-8811; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended March 19, 1990; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-10-5. Authorized medications. (a) Furosemide may be administered to any horse that is entered in a race meeting, subject to the requirements of these racing regulations. Except upon the instructions of the animal health officer or an assistant animal health officer to remove the horse from the veterinarian's list or to facilitate the collection of a post-race urine sample, the administration of furosemide shall be permitted only if all of the following requirements are met.

(1) The animal health officer or an assistant animal health officer shall place the horse's name on the bleeder list or the furosemide list, or on both lists.

(2) The furosemide shall be administered at a location approved by the animal health officer or an assistant animal health officer and at least four hours before post time for the race in which each horse is entered, unless otherwise authorized in advance by the animal health officer or assistant animal health officer.

(3) Furosemide shall be administered only by a practicing veterinarian designated by the trainer to administer the furosemide to each

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horse under the supervision of the animal health officer or an assistant animal health officer.

(4) No dose of furosemide administered shall exceed 250 milligrams, unless otherwise authorized in advance by the animal health officer or an assistant animal health officer. In addition to the dosage restriction specified in this paragraph, furosemide shall be administered only intravenously and only in a single injection.

(5) Each horse to which furosemide is administered shall remain under the care, custody, and control of the trainer or the designated representative from the time the furosemide is administered until the time for the horse to be removed to the saddling paddock.

(6) Each owner shall pay all expenses resulting from the administration of furosemide. These costs shall include the following:

- (A) Administration;
- (B) injection;
- (C) laryngoscopic examination;
- (D) custody; and
- (E) security.

(7) The use of furosemide shall be required to be approved in advance and shall be subject to the following requirements:

(A) The specific gravity of post-race urine samples shall be measured to ensure that the specific gravity (sg) of the urine is 1.010 or higher. If the sg of the post-race urine sample is below 1.010, quantitation of furosemide in serum or plasma shall then be performed.

(B) When a serum or plasma sample is quantitated, the concentration of furosemide in the sample shall not exceed 100 nanograms per milliliter of serum or plasma. Each concentration above 100 ng/ml shall be deemed a violation of this regulation.

(b) No person shall administer a medication to any horse entered to race except upon authorization of the animal health officer or assistant animal health officer in compliance with these regulations.

(c) No medication other than authorized bleeder medication shall be administered to any horse entered to race within 24 hours of the race in which the horse is entered.

(d)(1) No more than one approved nonsteroidal anti-inflammatory drug (NSAID) substance may be administered to a horse that is entered to race. The NSAID administered shall be one of the following authorized drug substances:

(A) Phenylbutazone in a dosage amount so that the test sample taken after the race contains no more than 5.0 micrograms of drug substance per milliliter of blood plasma or serum;

(B) flunixin in a dosage amount so that the test sample taken after the race contains no more than 20 nanograms of drug substance per milliliter of blood plasma or serum; or

(C) ketoprofen in a dosage amount so that the test sample taken after the race contains no more than 10 nanograms per milliliter of blood plasma or serum.

(2) Each trainer shall file a request for the use of any authorized NSAID with the animal health officer or an assistant animal health officer on an official request form approved by the animal health officer before the horse is entered in a race. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8811; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993; amended Oct. 24, 1997; amended July 30, 2004; amended Aug. 26, 2005.)

112-10-6. Bleeder list. (a)(1) "Bleeder" means any equine exhibiting exercise-induced pulmonary hemorrhage (EIPH) manifested by the presence of frank blood appearing from either nostril or the presence of frank blood in the trachea.

(2) "Exercise-induced pulmonary hemorrhage" and "EIPH" mean a commonly recognized condition in race horses that is manifested by bleeding into the lung tissue during or after strenuous exercise. The presence of frank blood can be seen in the trachea by means of endoscopic exam, or by the appearance of blood emanating from the nostrils.

(3) "Furosemide" means a diuretic that is recognized for its benefit in the medical management of the EIPH syndrome in horses.

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(b) Subject to the requirements of these racing regulations, furosemide may be administered to any horse that is entered in a race if its name is on the bleeder list or the furosemide list. A horse's name shall be placed on the bleeder list if any one of the following conditions is met:

(1) The animal health officer or an assistant animal health officer observes the horse shedding blood from one or both nostrils during or following exercise or a race.

(2) A practicing veterinarian who is employed by the owner or trainer of the horse, and the animal health officer or an assistant animal health officer determine that the horse should be certified as a bleeder after an endoscopic examination of the respiratory tract conducted by the practicing veterinarian under the supervision of the animal health officer or an assistant animal health officer.

(3) A bleeder certificate for the horse is attached to the horse's papers on file in the racing secretary's office, and the certificate is from a jurisdiction that uses bleeder qualification criteria satisfactory to the animal health officer or an assistant animal health officer. Each certificate shall bear the signature of the racing commission official in the state of origin.

(c) For each horse that does not have a bleeder certificate and that is observed bleeding for the first time ever, both of these requirements shall be met:

(1) The horse's name shall be placed on the bleeder list for a minimum of 10 days or until the animal health officer or assistant animal health officer removes the horse's name from the list.

(2) The horse's owner shall receive an official Kansas bleeder certificate signed by the animal health officer or assistant animal health officer and attached to the registration certificate of this horse.

(d) Each horse that has a bleeder certificate and is racing after the administration of furosemide shall be subject to the following restrictions:

(1) The first time a horse is observed bleeding, its name shall be placed on the bleeder list, and the name shall remain there for a minimum of 20 days or until the animal

health officer or assistant animal health officer removes the horse's name from the list.

(2) The second time a horse is observed bleeding within a 12-month period, its name shall be placed on the bleeder list, and the name shall remain there for a minimum of 30 days or until the animal health officer or assistant animal health officer removes the horse's name from the list.

(3) The third time a horse is observed bleeding within a 12-month period, the horse shall be barred from parimutuel racing in Kansas for a minimum of one year or any additional time as determined by the animal health officer or designee after an endoscopic examination of the horse's respiratory tract. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8806 and 74-8811; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993; amended March 21, 1997; amended July 16, 1999; amended Nov. 16, 2001; amended July 30, 2004.)

112-10-6a. Furosemide list. (a) A horse may be allowed to race after the administration of furosemide if any one of the following conditions is met:

(1) After consultation with the horse's trainer or practicing veterinarian, or both, the animal health officer or an assistant animal health officer determines that it would be in the best interest of the horse's health to allow the horse to race with furosemide.

(2) The horse's name appears on the bleeder list from any racing jurisdiction.

(3) The horse has an official bleeder stamp or certificate attached to the registration papers.

(4) The horse is observed to bleed as described in K.A.R. 112-10-6(a).

(5) The past performance lines indicate that the horse has been racing with furosemide.

(b) A list of all horses racing after the administration of furosemide shall be maintained by the animal health officer or an assistant animal health officer.

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(c) An "application to administer furosemide" form approved by the animal health officer shall be submitted by the trainer with the names of all horses racing with furosemide. This form shall be on file with the animal health officer or an assistant animal health officer before the first race in which each listed horse competes. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8806 and 74-8811; effective July 30, 2004.)

112-10-7. Test barn. (a) Each organization licensee shall provide a test barn suitable for taking test samples from horses. Each test barn shall include:

(1) An office area with at least 100 square feet of floor area that can be locked;

(2) a wash rack that measures at least 12 feet by 12 feet;

(3) a minimum of two stalls that measure at least 10 feet by 10 feet, equipped with dutch doors and observation portholes adjacent to the office;

(4) a freezer that measures at least 10 cubic feet;

(5) hot and cold running water; and

(6) a walking ring measuring at least 40 feet by 60 feet adjacent to the office.

(b) Each organization licensee shall furnish security personnel and procedures approved by the director of security to secure the test barn during races and until the last test sample is taken for the day.

(c) At the written request of an organization licensee, the commission may approve alternative facilities for the test barn. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-10-8. Testing. (a) The stewards may require any horse entered in a race to submit to a blood test or other pre-race test. No horse shall be eligible to start in a race until the owner or trainer complies with the required test procedure.

(b) A blood, urine, or other sample shall be taken from the winner of each race and from each other horse designated by the stewards.

(c) Each blood, urine, or other sample specimen shall be taken under the supervision of the animal health officer or assistant animal health officer. Each sample shall be taken in the test barn unless approved otherwise by the animal health officer or assistant animal health officer.

(d) After each horse enters the test barn, it shall be cooled out for a minimum of 30 minutes before the sample is taken unless otherwise authorized by the animal health officer or assistant animal health officer.

(e) Each trainer, or authorized representative of the trainer, shall witness and confirm the taking of test samples and shall sign the confirmation card.

(f) A trainer or owner may waive the right to witness the collection of a test sample from a racing animal if the trainer's authorized representative witnessing the collection of the test sample is less than 18 years of age. The trainer shall execute a voluntary and knowing waiver of the right to witness the collection of the test sample before the time of collection. Each trainer waiving the right to witness the collection of a test sample from a racing animal shall be estopped from later claiming any defect in the process of collecting and identifying the test sample.

(g) When any horse has been in the test barn for more than one hour, the assistant animal health officer may take a blood sample in lieu of a urine sample and submit the blood plasma from the sample to the test laboratory for testing.

(h) Each test sample shall remain in the custody of the animal health officer or assistant animal health officer from the time it is secured until it is delivered for shipment to the test laboratory.

(i) No person shall tamper with, adulterate, add to, break the seal of, remove, or otherwise attempt to alter or violate any test sample taken, but preservatives or additives necessary for analysis of the sample may be added by the commission-approved test laboratory.

(j) The test laboratory or the animal health officer and assistant animal health officer may

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be directed by the commission to retain and preserve test samples for future analysis.

(k) The fact that purse money has been paid before the issuance of a laboratory report shall not be deemed a finding that no prohibited substance has been administered to the horse earning the purse money in violation of these racing regulations. (Authorized by K.S.A. 1997 Supp. 74-8804; implementing K.S.A. 1997 Supp. 74-8806 and 74-8810, as amended by L. 1998, Ch. 178, Sec. 3, and K.S.A. 74-8811, as amended by L. 1998, Ch. 178, Sec. 4; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993; amended Jan. 15, 1999.)

112-10-9. (Authorized by and implementing K.S.A. 1988 Supp. 74-8811; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; revoked, T-112-8-13-92, Aug. 13, 1992; revoked, T-112-12-10-92, Dec. 10, 1992; revoked Feb. 15, 1993.)

112-10-9a. Split samples. (a) The animal health officer or assistant animal health officer shall determine, based upon the written standards of the official test laboratory, in their sole discretion whether there is sufficient quantity of each test sample to divide it into two portions for testing. If sufficient quantity of urine is not available for a split sample, the assistant animal health officer shall collect a blood sample for the purpose of providing a sample for the trainer pursuant to this rule.

(b) If a test sample is divided into two portions for testing, no provision of these racing regulations shall prevent the commission or the executive director from ordering both test sample portions to be delivered to the official test laboratory for initial testing.

(c) When the quantity of the test sample permits the splitting of the sample, each first portion shall be submitted by the commission to the official test laboratory for initial testing for prohibited substances.

(d) When the quantity of the test sample permits and when the trainer or owner files a written request with the racing judges for the testing of a split sample, the commission shall submit the second portion of the test sample to a test laboratory approved by the commission. Each written request for the testing of a split sample shall be filed in the commission office at the racetrack facility within 48 hours after the trainer or owner receives notice of a positive report on a test sample taken from the horse.

(e) Each person who requests testing of the second portion of a sample shall pay all costs for the transportation and testing of the sample.

(f) The freezing, storage and safeguarding of each portion of a test sample shall remain the responsibility of the animal health officer and the assistant animal health officer.

(g) The test results on the second portion of a sample shall not prevent disqualification of the horse. The results of the first test are prima facie evidence that the horse competed with the drug or medication in its system.

(h) No provision of these racing regulations shall create vested procedural rights that may be relied upon by any licensee for the purpose of excluding testing evidence that is competent and probative. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; implementing K.S.A. 1991 Supp. 74-8811; effective, T-112-8-13-92, Aug. 13, 1992; effective, T-112-12-10-92, Dec. 10, 1992; effective Feb. 15, 1993.)

112-10-10. Bandages. Only bandages approved by an assistant animal health officer shall be used on a horse during a race. Each other leg covering shall be removed before the horse enters the saddling paddock. (Authorized by K.S.A. 1988 Supp. 74-8804; implementing K.S.A. 1988 Supp. 74-8806, 74-8810; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

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112-10-11. Posterior digital neurectomy. (a) Each person shall not deliver to a racetrack facility, enter or cause to be entered in any race, sell or offer for sale or act as a bloodstock agent in the sale of a horse that has been "nerved" or has had any nerve removed from its leg except as provided in article 112 of the Kansas administrative regulations.

(b) Any horse that has had a posterior digital neurectomy may be eligible to race if:

(1) An assistant animal health officer finds that the loss of sensation resulting from the posterior digital neurectomy will not endanger the horse or rider;

(2) an assistant animal health officer has approved the presence of the horse at the racetrack facility;

(3) the horse is registered or eligible and the racing secretary has been notified that the horse has been nerved at the time the horse is admitted to the racetrack facility or while it is at the racetrack facility; and

(4) the fact the horse has been nerved is recorded on the horse's eligibility certificate.

(c) Each posterior digital neurectomy that is performed at a racetrack facility shall be reported immediately to the racing secretary.

(d) Each horse shall not be eligible to race if it has had a neurectomy above the fetlock. (Authorized by K.S.A. 1988 Supp. 74-8804; implementing K.S.A. 1988 Supp. 74-8806; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-10-12. Postmortem examination. (a) Each racing horse that dies or suffers a breakdown while training or racing at a racetrack facility and is destroyed shall undergo a postmortem examination. Each postmortem examination shall be sufficiently comprehensive to identify the injury or medical condition causing the death and shall be conducted at a time and place approved by the assistant animal health officer.

(b) The assistant animal health officer may require any other horse that dies at a racetrack facility to undergo a postmortem examination.

(c) Each postmortem examination shall be conducted by a practicing veterinarian employed by the owner or trainer.

(d) The assistant animal health officer may attend the postmortem examination.

(e) The assistant animal health officer may secure test samples, including tissue and other specimens during the postmortem examination and, if secured, shall send them to the official test laboratory or a diagnostic laboratory for testing and consultation. When practical, the assistant animal health officer shall secure the test samples for the detection of prohibited substances before the horse is destroyed.

(f) Each owner shall pay the expenses of the practicing veterinarian employed by the owner or trainer to conduct the postmortem examination.

(g) Each practicing veterinarian shall file a report detailing each postmortem examination on a form approved by the animal health officer with the assistant animal health officer within 72 hours of the horse's death. Each owner of a horse upon which a postmortem examination is conducted shall receive a copy of the report upon request.

(h) Each owner and trainer shall comply with each provision for postmortem examination contained in these racing regulations as a condition of the owner's and trainer's occupation license. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; implementing K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2, and 74-8806; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-10-13. Prohibition on possession of drugs, medications, syringes, and needles.

(a) While within any restricted area of a licensed horse racetrack facility, no licensee, except a commission-licensed veterinarian or animal health officer, shall have in that licensee's possession any of the following:

- (1) Hypodermic syringes;
- (2) hypodermic needles;

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(3) any drug, medication, or other substance that can be administered parenterally;

(4) rubber stopper bottles or any similar instruments that can be used for injection; and

(5) any other equipment used for hypodermic injection.

(b) Each violation of this regulation shall result in a penalty of one of the following:

(1) A fine of up to \$5,000;

(2) license revocation or suspension for up to five years; or

(3) a combination of the penalties specified in paragraphs (b)(1) and (2). (Authorized by and implementing K.S.A. 74-8804 and 74-8816; effective May 7, 2004.)

112-10-14 through 112-10-31. Reserved.

112-10-32. Assistant animal health officer, greyhound. (a) Each assistant animal health officer employed by the commission shall be licensed to practice veterinary medicine in the state of Kansas.

(b) No assistant animal health officer shall treat or prescribe medication for any greyhound located at a racetrack facility or registered to race at a racetrack facility except in an emergency. Each assistant animal health officer who treats or prescribes medication for a greyhound in an emergency shall promptly file a complete report of the circumstances and veterinary procedure with the racing judges and the animal health officer.

(c) No kennel owner or trainer shall employ or pay any compensation to an assistant animal health officer, directly or indirectly, while the assistant animal health officer is functioning in that capacity at the racetrack as an employee of the commission.

(d) An assistant animal health officer shall:

(1) Supervise practicing veterinarians at the racetrack facility and recommend to the racing judges or the commission the discipline to be imposed upon each practicing veterinarian who violates commission regulations;

(2) place any greyhound on the veterinarian's list where it shall remain a

minimum of three calendar days when in an assistant animal health officer's discretion the placement is proper;

(3) remove any greyhound from the veterinarian's list when in an assistant animal health officer's discretion the removal is proper. No greyhound shall be entered in a race before its name is removed from the veterinarian's list;

(4) establish a procedure for, supervise the collection of and maintain identification records for urine, blood or other specimens from greyhounds, as designated by an assistant animal health officer, the racing judges or the commission;

(5) supervise the procedure for witnessing, sealing and delivering each test specimen to the official test laboratory;

(6) report immediately to the animal health officer the name, tattoo number and reason for death of each greyhound that dies or is euthanized at a racetrack facility;

(7) with the permission of the racing judge, scratch each greyhound determined not sound to race at any time before the greyhound enters the starting box;

(8) treat or euthanize any greyhound that is so seriously injured that an assistant animal health officer believes the action is necessary. Each kennel owner or trainer at a racetrack facility shall execute and deliver a written waiver and consent to an assistant animal health officer before the greyhound is treated or euthanized; and

(9) perform other duties prescribed by the animal health officer, the racing judges or the commission. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; implementing K.S.A. 1991 Supp. 74-8806, 74-8810, as amended by L. 1992, Ch. 27, Sec. 4, and L. 1992, Ch. 286, Sec. 3; effective, T-112-8-22-89; Aug. 22, 1989; effective Oct. 9, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-10-33. Practicing veterinarians, greyhound. (a) Each practicing veterinarian at a racetrack facility shall be licensed to

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practice veterinary medicine in the state of Kansas and shall secure an occupation license in accordance with the Kansas parimutuel racing act and commission regulations. Before an occupation license issues, each practicing veterinarian shall meet with the animal health officer to verify that the practicing veterinarian has reviewed these racing regulations and is informed about existing medication practice.

(b) Each practicing veterinarian at a racetrack facility who treats a greyhound for any contagious or communicable disease shall report the fact immediately in writing to the animal health officer or assistant animal health officers on a form approved by the animal health officer.

(c) No practicing veterinarian who treats a greyhound at a racetrack facility shall wager on the outcome of any race in which the treated greyhound starts.

(d) Each practicing veterinarian shall comply with the rules and standards of the Kansas board of veterinary examiners.

(e) Each drug or medication at a racetrack facility shall be in a container bearing a veterinarian's prescription or in the original container bearing the manufacturer's label with the serial or lot number. Each practicing veterinarian shall use only disposable syringes and needles to medicate greyhounds. No veterinarian shall abandon a drug or medication or equipment for administering the drug or medication. All equipment for administering the drug or medication shall be destroyed before it is discarded. All drugs, medications or equipment shall be disposed of in a manner which is environmentally safe.

(f) Only a veterinarian employed by or licensed by the commission may possess procaine on a racetrack facility. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; implementing K.S.A. 1991 Supp. 74-8810, as amended by L. 1992, Ch. 27, Sec. 4, and L. 1992, Ch. 286, Sec. 3, and 74-8816, as amended by L. 1992, Ch. 286, Sec. 8; effective, T-112-8-22-89, Aug. 22, 1989; effective Oct. 9, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-10-34. Drugs or medication, greyhound. (a) No individual shall administer any drug or medication to any greyhound entered in a race for 24 hours before the race in which the greyhound is to run and continuing until after the race is run.

(b) If the official test laboratory reports a positive test for any drug, its metabolites, or any foreign substance, the animal health officer shall classify the test in accordance with the following classifications:

(1) Class one: drugs and medications that are stimulants, depressants, narcotics, local anesthetics having no recognized therapeutic value or substances that impede testing procedures;

(2) class two: drugs and medications that are therapeutic medications that may affect the outcome of the race, naturally occurring substances that appear in unusual levels or that may interfere with or impede testing procedures; and

(3) class three: drugs and medications that are incidental residues of substances of recognized therapeutic value or recurring substances that have an undetermined effect or that cannot be identified by recognized analytical methods.

(c) The animal health officer's classification of the positive test shall be reported to the commission. The final decision regarding classification of the positive test shall be made by the commission.

(d) The finding of a class one positive may result in penalties of:

(1) A disqualification of the animal and a redistribution of the purse;

(2) a return of any trophy or other award delivered to the owner or trainer;

(3) a fine of up to \$5,000;

(4) a suspension or a revocation of license;

or
(5) a combination of the above.

(e) The finding of a class two positive may result in a penalty of:

(1) A disqualification of the animal and a redistribution of the purse;

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(2) a return of any trophy or other award delivered to the owner or trainer;

(3) a fine of up to \$500;

(4) a suspension of up to 60 days;

(5) a warning; or

(6) any combination of the above.

(f) The finding of a class three positive may result in a penalty of:

(1) An investigation into the possible source;

(2) a search of the individual and any assigned area;

(3) a warning; or

(4) any combination of the above.

(g) Each laboratory analysis of saliva, urine, blood or other sample taken from a greyhound that indicates the presence of a drug or medication shall be evidence that the drug or medication was present in the greyhound's system during the running of the race.

(h) Despite each provision to the contrary in this regulation, liniments, including Dimethylsulfoxide, may be administered to a greyhound as an external topical application. If the assistant animal health officer determines there has been excessive use of liniment on the racing greyhound, the assistant animal health officer may scratch the greyhound.

(i) Despite each provision to the contrary in this regulation, procaine, trimethoprim and sulfa shall be permitted medications subject to the following condition. Procaine, trimethoprim and sulfa shall not be permitted medications if the racing chemist in consultation with the animal health officer determines that a test sample contains procaine, trimethoprim or sulfa in a quantity considered:

(1) Significant; or

(2) capable of altering the performance of a greyhound. Procaine shall not be transported or possessed on the racetrack facility by any individual who is not licensed to practice veterinary medicine by the state of Kansas.

(j) No individual shall possess, transport or use any drug or medication or equipment for administering a drug or medication at the

racetrack facility or within the confines of the kennel compound except:

(1) when licensed as a veterinarian by the state of Kansas and the commission; or

(2) when licensed as a kennel owner or trainer by the commission, subject to the following conditions:

(A) Each kennel owner or trainer who possesses a drug or medication or equipment for administering a drug or medication shall place the drug or medication in the designated area, including the refrigerator, in the kennel building.

(B) Each drug or medication in the kennel owner's or trainer's possession shall be listed on a form approved by the animal health officer and filed with the assistant animal health officer.

(C) Each kennel owner or trainer shall update the form on a daily basis so that at all times a current and correct list of drugs or medications and the equipment for administering them is on file with the assistant animal health officer.

(k) Each drug or medication at a racetrack facility shall be in a container bearing a veterinarian's prescription or in the original container bearing the manufacturer's label with the serial or lot number. No veterinarian or kennel owner or trainer shall abandon a drug or medication or equipment for administering the drug or medication. All equipment for administering the drug or medication shall be destroyed before it is discarded. (Authorized by K.S.A. 1989 Supp. 77-8804; 74-8811; implementing K.S.A. 1988 Supp. 74-8804, 74-8811 and 74-8816; effective, T-112-8-22-89, Aug. 22, 1989; effective Oct. 9, 1989; amended March 25, 1991.)

112-10-35. Greyhound testing for prohibited substances; methods; procedures; payment of purse money. (a) Each racing greyhound entered in a race may be submitted to a urine or other pre-race test. No greyhound shall be eligible to start in a

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race until the owner or trainer complies with any required test procedure.

(b) The assistant animal health officer or veterinary assistant may take a urine or other test sample under the supervision of the animal health officer or assistant animal health officer from the winner of every race and from any other greyhound designated by the assistant animal health officer in consultation with the racing judges.

(c) The assistant animal health officer or veterinary assistant shall take each test sample in a collection area or in the paddock area unless otherwise approved by the animal health officer or assistant animal health officer.

(d) Each trainer, kennel owner or authorized representative of the trainer or kennel owner may witness and confirm the taking of each test sample. Each trainer, kennel owner and authorized representative witnessing the collection shall sign the confirmation card.

(e) A trainer or kennel owner may waive the right to witness the collection of a test sample from a racing animal if the trainer's authorized representative witnessing the collection of the test sample is less than 18 years of age. The trainer shall execute a voluntary and knowing waiver of the right to witness the collection of the test sample before collection. Each trainer waiving the right to witness the collection of a test sample from a racing animal shall be estopped from later claiming any defect in the process of collecting and identifying the test sample.

(f) If a urine sample is not obtained within a reasonable time following a race, the assistant animal health officer may take a blood sample from the brachiocephalic vein in lieu of a urine sample and submit the blood plasma from the blood sample to the official test laboratory for testing.

(g) Each test sample shall remain in the custody of the animal health officer or assistant animal health officer from the time it is taken until it is delivered for shipment to the official test laboratory.

(h) No person shall tamper with, adulterate, add to, break the seal of, remove or otherwise attempt to alter or violate any test sample taken.

(i) The commission may direct the official test laboratory or the animal health officer and assistant animal health officer to retain and preserve test samples for future analysis.

(j) The payment of purse money before the issuance of an official test laboratory report shall not constitute a finding that no prohibited substance has been administered in violation of these racing regulations to the greyhound earning the purse money. (Authorized by K.S.A. 1995 Supp. 74-8804; implementing K.S.A. 1995 Supp. 74-8806, K.S.A. 1995 Supp. 74-8810, and 74-8811; effective, T-112-8-22-89, Aug. 22, 1989; effective Oct. 9, 1989; amended March 25, 1991; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993; amended, T-112-4-24-96, April 24, 1996; amended Aug. 9, 1996.)

112-10-36. (Authorized by and implementing K.S.A. 1988 Supp. 74-8811; effective, T-112-8-22-89, Aug. 22, 1989; effective Oct. 9, 1989; revoked, T-112-1-14-92, Jan. 14, 1992; revoked March 23, 1992.)

112-10-36a. Split samples. (a) The animal health officer or assistant animal health officer shall determine, based upon the written standards of the official test laboratory, in their sole discretion whether there is sufficient quantity of each test sample to divide it into two portions for testing.

(b) If a test sample is divided into two portions for testing, no provision of these racing regulations shall prevent the commission or the executive director from ordering both test sample portions to be delivered to the official test laboratory for initial testing.

(c) When the quantity of the test sample permits the splitting of the sample, each first portion shall be submitted by the commission to the official test laboratory for initial testing for prohibited substances.

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(d) When the quantity of the test sample permits and when the trainer or owner files a written request with the racing judges for the testing of a split sample, the commission shall submit the second portion of the test sample to a test laboratory approved by the commission. Each written request for the testing of a split sample shall be filed in the commission office at the racetrack facility within 48 hours after the trainer or owner receives notice of a positive report on a test sample taken from the greyhound.

(e) Each person who requests testing of the second portion of a sample shall pay all costs for the transportation and testing of the sample.

(f) The freezing, storage and safeguarding of each portion of a test sample shall remain the responsibility of the animal health officer and the assistant animal health officer.

(g) The test results on the second portion of a sample shall not prevent disqualification of the greyhound. The results of the first test are prima facie evidence that the greyhound competed with the drug or medication in its system.

(h) No provision of these racing regulations shall create vested procedural rights that may be relied upon by any licensee for the purpose of excluding testing evidence that is competent and probative. (Authorized by K.S.A. 1990 Supp. 74-8811; implementing K.S.A. 1990 Supp. 74-8811; effective Feb. 24, 1992.)

112-10-37. Postmortem examination. (a) An assistant animal health officer may order a postmortem examination for each greyhound that dies at a racetrack facility.

(b) The postmortem examination shall be conducted by a practicing veterinarian employed by the kennel owner or by the School for Veterinary Medicine at Kansas State University.

(c) The assistant animal health officer may attend the postmortem examination.

(d) The assistant animal health officer may secure test samples, including tissue and other specimens during the postmortem examination.

If secured, the assistant animal health officer shall send the samples to the official test laboratory or a diagnostic laboratory for testing and consultation. When practical, the assistant animal health officer shall secure the test samples for the detection of prohibited substances before the greyhound is euthanized.

(e) Each kennel owner shall pay the expenses of the practicing veterinarian employed by the kennel owner to conduct the postmortem examination.

(f) Each kennel owner and trainer shall comply with each provision for postmortem examination contained in these racing regulations as a condition of the kennel owner's and trainer's license. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; implementing K.S.A. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2, and 74-8806; effective, T-112-8-22-89, Aug. 22, 1989; effective Oct. 9, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-10-38. Vaccinations. (a) Every greyhound at each racing facility shall be periodically vaccinated against each disease that the animal health officer has determined is communicable to other greyhounds at the facility.

(1) The racing secretary shall maintain records of vaccinations of each greyhound housed at the racing facility and shall make these records available to the animal health officer or the animal health officer's designee upon request.

(2) All greyhounds entering the racetrack facility shall be accompanied by proof of current vaccination for canine distemper, adenovirus type 2, parainfluenza, parvovirus (DA₂PP), bordetella bronchiseptica, and rabies. A certificate of vaccination shall be presented to the assistant animal health

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officer's office by the next race day following arrival of each greyhound.

(3) The record of each vaccination series shall be signed by the licensed veterinarian administering the vaccine and shall include the vaccine's trade name and expiration date.

(b) Every greyhound kenneled at a racing facility shall be vaccinated for canine distemper, adenovirus type 2, parainfluenza, parvovirus (DA₂PP), bordetella bronchiseptica, and rabies by a licensed veterinarian and shall receive booster vaccinations on an annual basis.

(c) Every trainer or kennel owner bringing a greyhound into a racing facility shall file with the racing secretary, for each greyhound, a copy of its registration certificate and an individual certificate of vaccination, which shall include the following:

- (1) The name of the greyhound;
- (2) the sex of the greyhound;
- (3) the whelping date of the greyhound;
- (4) a complete history of all vaccinations;

and

(5) a description of all identification, including the following:

- (A) Tattoos; and
- (B) color.

(d) The certificate required by subsection (c) above shall be filed with the racing secretary before any start made by the greyhound and shall remain on permanent file with the secretary.

(e) Each greyhound entering Kansas, regardless of the state or country in which it was whelped, shall be accompanied by a small animal health certificate issued by the division of animal health of the state or country of departure. This certificate shall list the following:

- (1) The names of both the consignor and the consignee;
- (2) both addresses;
- (3) the name and age of the greyhound; and
- (4) the greyhound's DA₂PP, bordetella bronchiseptica, and rabies vaccination status, which shall be signed by a veterinarian and shall include the vaccine's trade names and expiration dates.

The certificate shall be dated within 30 days before arrival in Kansas. (Authorized by K.S.A. 1998 Supp. 74-8804; implementing K.S.A. 1998 Supp. 74-8806; effective Dec. 22, 1995; amended June 21, 1996; amended Feb. 11, 2000.)